

FIRST REGULAR SESSION

SENATE BILL NO. 445

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time February 5, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1680S.02I

AN ACT

To repeal section 307.179, RSMo, and to enact in lieu thereof one new section relating to exempting church buses from the child passenger restraint system requirements, with penalty provisions and an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 307.179, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 307.179, to read as follows:

307.179. 1. As used in this section, the following terms shall mean:

2 (1) "Child booster seat", a seating system which meets the Federal Motor
3 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is
4 designed to elevate a child to properly sit in a federally approved safety belt
5 system;

6 (2) "Child passenger restraint system", a seating system which meets the
7 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as
8 amended, and which is either permanently affixed to a motor vehicle or is affixed
9 to such vehicle by a safety belt or a universal attachment system;

10 (3) "Driver", a person who is in actual physical control of a motor vehicle.

11 2. Every driver transporting a child under the age of sixteen years shall
12 be responsible, when transporting such child in a motor vehicle operated by that
13 driver on the streets or highways of this state, for providing for the protection of
14 such child as follows:

15 (1) Children less than four years of age, regardless of weight, shall be
16 secured in a child passenger restraint system appropriate for that child;

17 (2) Children weighing less than forty pounds, regardless of age, shall be
18 secured in a child passenger restraint system appropriate for that child;

19 (3) Children at least four years of age but less than eight years of age,

20 who also weigh at least forty pounds but less than eighty pounds, and who are
21 also less than four feet, nine inches tall, shall be secured in a child passenger
22 restraint system or booster seat appropriate for that child;

23 (4) Children at least eighty pounds or children more than four feet, nine
24 inches in height shall be secured by a vehicle safety belt or booster seat
25 appropriate for that child;

26 (5) A child who otherwise would be required to be secured in a booster
27 seat may be transported in the back seat of a motor vehicle while wearing only
28 a lap belt if the back seat of the motor vehicle is not equipped with a combination
29 lap and shoulder belt for booster seat installation;

30 (6) When transporting children in the immediate family when there are
31 more children than there are seating positions in the enclosed area of a motor
32 vehicle, the children who are not able to be restrained by a child safety restraint
33 device appropriate for the child shall sit in the area behind the front seat of the
34 motor vehicle unless the motor vehicle is designed only for a front seat area. The
35 driver transporting children referred to in this subsection is not in violation of
36 this section.

37 This subsection shall only apply to the use of a child passenger restraint system
38 or vehicle safety belt for children less than sixteen years of age being transported
39 in a motor vehicle.

40 3. Any driver who violates subdivision (1), (2), or (3) of subsection 2 of this
41 section is guilty of an infraction and, upon conviction, may be punished by a fine
42 of not more than fifty dollars and court costs. Any driver who violates
43 subdivision (4) of subsection 2 of this section shall be subject to the penalty in
44 subsection 5 of section 307.178. If a driver receives a citation for violating
45 subdivision (1), (2), or (3) of subsection 2 of this section, the charges shall be
46 dismissed or withdrawn if the driver prior to or at his or her hearing provides
47 evidence of acquisition of a child passenger restraint system or child booster seat
48 which is satisfactory to the court or the party responsible for prosecuting the
49 driver's citation.

50 4. The provisions of this section shall not apply to any public carrier for
51 hire. The provisions of this section shall not apply to students four years of age
52 or older who are passengers on a school bus designed for carrying eleven
53 passengers or more and which is manufactured or equipped pursuant to Missouri
54 Minimum Standards for School Buses as school buses are defined in section
55 301.010, RSMo. **The provisions of this section shall not apply to a driver**

56 of a church bus transporting children provided the church bus has a
57 passenger capacity of over ten persons. As used in this subsection,
58 "church bus" means every bus owned by a religious organization, and
59 operated for the transportation of persons, including children, to or
60 from services or activities of such religious organization. As used in
61 this subsection, "religious organization" means any organization,
62 church, body of communicants, or group gathered in common
63 membership for mutual edification in piety, worship, and religious
64 observances, or a society of individuals united for religious purposes
65 at a definite place.

66 5. The highways and transportation commission shall initiate and develop
67 a program of public information to develop understanding of, and ensure
68 compliance with, the provisions of this section.

Section B. Because of the need to ensure that religious organizations are
2 not financially restrained from providing transportation services to children in
3 buses that otherwise address the safety concerns of the child passenger restraint
4 law, the repeal and reenactment of section 307.179 of section A of this act is
5 deemed necessary for the immediate preservation of the public health, welfare,
6 peace, and safety, and is hereby declared to be an emergency within the meaning
7 of the constitution, and the repeal and reenactment of section 307.179 of section
8 A of this act shall be in full force and effect upon its passage and approval.

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